

Notice of Allowability

Application No.

09/904,310

Applicant(s)

WU ET AL.

Examiner

Art Unit

Jude J. Jean-Gilles

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/18/2005.
2. ☒ The allowed claim(s) is/are Claims 1-4, 9, 15, 16, 20-24, Renumbered 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

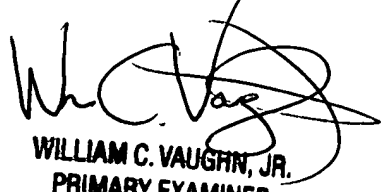
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01/07/2002
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/29/05
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with KEVIN ZILKA, Reg. No. 41429 on 30 September 2005.

IN THE CLAIMS

2. Claims 5-8, 10-14, 17-19, and 25-31 had already been cancelled without prejudice or disclaimer. Please amend independent **claim 15** as follows:

Claim 15, line 10 describes a computer -readable storage medium for storing the codes, which does not specify that the code is embodied in the storage medium.

Claim 15, line 10 reads ""a computer readable medium for storing the codes"
The examiner suggested that the claim reads:

" a computer-readable storage medium for storing the codes" .

The applicant's representative agreed to the proposed amendment to expedite the disposal of the application.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: the closest prior art of record (Belissent, U.S. Patent No. 6,789,203 B1) does not teach nor suggest in detail, among other limitations, a method, a computer program, and a system for protecting a host:

wherein forwarding a request for communication with a secret host at a public host comprises:

determining whether an attack is consuming significant resources,

if it is determined that an attack is not consuming significant resources, slowing down the forwarding of said request short of stopping the same, and

if it is determined that an attack is consuming significant resources, stopping the forwarding of said request;

wherein, after stopping the forwarding of said request, said secret host notifies select clients of an address of an alternate Post Office Box Internet Protocol (POBIP) node, and attempts to track down a source of the attack, where, after the attack has stopped, the address of the alternate Post Office Box Internet Protocol (POBIP) node is replaced with the public host address;

wherein a notification that the public host is under attack is received at the secret host;

wherein a notification that the public host is congested is received at the secret host...

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in combination with all the elements of each independent claim as argued by Applicant (see page 7 of applicant's argument dated July 18, 2005 as well as the enabling portions of Applicant's specification, pages 15-16; fig. 5). So as indicated by the above statements, Applicant's arguments have been considered persuasive, in light of the claim limitations, the enabling portions of the specification, as well as the preferred embodiment of the claimed invention.

Applicant argued specially that the prior art of record Belissent does not show the applicant's claim "if it is determined that an attack is not consuming significant resources, slowing down the forwarding of said request short of stopping the same, and if it is determined that an attack is consuming significant resources, stopping the forwarding of said request." Applicant rightfully disagrees with this assertion by the Examiner. After careful review of the foregoing Belissent excerpts (col. 2, lines 13-38; figure 2, item 202; col. 5, lines 62-67; col. 6, lines 1-56; col. 7, lines 1-17) as well as the remaining Belissent reference, the examiner acknowledges the fact that the prior art Belissent does not disclose in detail the throttling of incoming requests. In sharp contrast, applicant teaches and claims the throttling, as claimed, in the specific context of forwarding requests from a public host to a secret host.

Furthermore, applicant has incorporated the subject matter of Claims 11-12, and 30/31 et al. (or substantially similar, but not identical language of the original application) into each of the independent claims with clarifications to avoid antecedent basis issues which has contributed to place the application in condition for allowance.

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4. Another prior art of record (Redlich, U.S. Patent No. 6,591,306 B1) while teaching the mapping of a public host address for a public host to a secret host address for a secret host containing data accessible over the computer network with an available domain name system server" does not disclose nor suggest in detail, the above-mentioned technique for dealing with an attack as claimed "notification that the public host is under attack is received at the secret host".

5. The Examiner also agrees with the applicant that careful review of another prior art of record (Shostack, U.S. Patent No. 6,298,445 B1) does in fact teach a push mechanism, similarly with Belissent and Redlich. However, none of the references discloses a technique where " the address of the alternate Post Office Box Internet Protocol (POBIP) node is replaced with the public host address, under the specifically claimed condition, namely after the attack has stopped."

6. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. **Claims 1-4, 9, 15, 16, 20-24** are allowed. Renumbered 1-12.

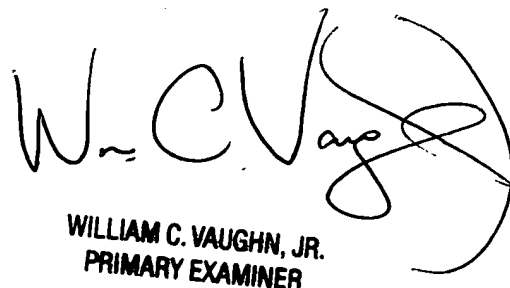
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on 9:00 AM -5:00 PM on weekdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jude Jean-Gilles
Patent Examiner
Art Unit 2143



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER